

<b>TO:</b> Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	<b>REPORT ON THE          FILING OR DETERMINATION OF AN          ACTION REGARDING A PATENT OR          TRADEMARK</b>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Central District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO.	DATE FILED 11/9/2006	U.S. DISTRICT COURT Central District of California	
PLAINTIFF FREEDOM WAVE LLC		DEFENDANT MAD CATZ, INC. and NYKO TECHNOLOGIES, INC.	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1 6,878,066 B2	4/12/2005	FREEDOM WAVE LLC	
2 6,280,327 C1	8/28/2001	FREEDOM WAVE LLC	
3			
4			
5			

CV06 07209  
R (JLX)

DOCKETED ON CM  
OCT 24 2007  
BY 002

CENTRAL DISTRICT OF CALIFORNIA  
DEPUTY

In the above—entitled case, the following patent(s) and/or trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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BY 002

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK S. R. CARTER	(BY) DEPUTY CLERK	DATE 10/23/08
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Copy 1—Upon initiation of action, mail this copy to Director    Copy 3—Upon termination of action, mail this copy to Director  
 Copy 2—Upon filing document adding patent(s), mail this copy to Director    Copy 4—Case file copy

LOGGED

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13 NYKO TECHNOLOGIES, INC.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

14 FREEDOM WAVE LLC,

15 Plaintiff,

16 v.

17 MAD CATZ, INC. and NYKO  
18 TECHNOLOGIES, INC.,

19 Defendants.

20 AND RELATED COUNTERCLAIMS.

Case No. CV 06-07209 JFW (MANx)

STIPULATION OF PLAINTIFF  
FREEDOM WAVE LLC AND  
DEFENDANT NYKO  
TECHNOLOGIES, INC. TO  
DISMISS ACTION WITHOUT  
PREJUDICE TO REFILING; AND

[PROPOSED] ORDER

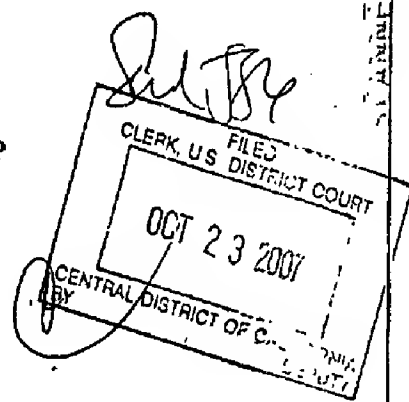
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1 WHEREAS, Plaintiff Freedom Wave LLC and Defendant Mad Catz,  
2 Inc. have previously settled, and all claims and counterclaims between them have  
3 been dismissed; and

4  
5 WHEREAS, Plaintiff Freedom Wave LLC and Defendant Nyko  
6 Technologies, Inc. have agreed to settle this action in its entirety, including all  
7 claims and counterclaims in this action between them; and

8  
9 WHEREAS, the Plaintiff Freedom Wave LLC and Defendant Nyko  
10 Technologies, Inc. are in the process of finalizing a written agreement that reflects  
11 all of the terms of the settlement; and

12  
13 WHEREAS, under the present schedule, the pretrial conference is set  
14 for November 30, 2007; and

15  
16 WHEREAS, the Plaintiff Freedom Wave LLC and Defendant Nyko  
17 Technologies, Inc. wish to avoid the unnecessary expenditure of effort and resources  
18 by the parties and this Court preparing for the pretrial conference in light of the  
19 pending settlement.

20  
21 **THEREFORE, IT IS HEREBY STIPULATED** by and between  
22 Freedom Wave LLC and Nyko Technologies, Inc., through their respective counsel,  
23 this Honorable Court consenting, pursuant to FED. R. CIV. P. 41(a)(1)(ii) and (c),  
24 that this action, including all claims and counterclaims between Freedom Wave LLC

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28 ///

1 and Nyko Technologies, Inc., be dismissed without prejudice to refiling if the  
2 settlement is not consummated within thirty (30) days of dismissal.

3  
4 Dated: October 19, 2007

5 SHEPPARD MULLIN RICHTER & HAMPTON LLP

6  
7 By 

8 DENNIS J. SMITH

9 Attorneys for Plaintiff  
10 FREEDOM WAVE LLC

11  
12 Dated: October 19, 2007

13 CHRISTIE, PARKER & HALE LLP

14  
15 By 

16 BRIAN K. BROOKEY

17 Attorneys for Defendant  
18 NYKO TECHNOLOGIES, INC.

19 **ORDER**

20  
21 **IT IS ORDERED.**

22  
23 Dated: October 23, 2007

24   
25 UNITED STATES DISTRICT JUDGE

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

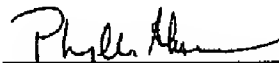
3 I am employed in the County of Los Angeles; I am over the age of eighteen  
4 years and not a party to the within entitled action; my business address is 333 South Hope  
Street, 48th Floor, Los Angeles, California 90071-1448.

5 On October 22, 2007, I served the following document(s) described as **STIPULATION**  
6 **OF PLAINTIFF FREEDOM WAVE LLC AND DEFENDANT NYKO**  
7 **TECHNOLOGIES, INC. TO DISMISS ACTION WITHOUT PREJUDICE TO**  
8 **REFILING; AND [PROPOSED] ORDER** on the interested party(ies) in this action by  
placing true copies thereof enclosed in sealed envelopes and/or packages addressed as  
follows:

9 **See Attached Service List**

- 10 ☒ **BY MAIL:** I am "readily familiar" with the firm's practice of collection and  
processing correspondence for mailing. Under that practice it would be deposited  
11 with the U.S. postal service on that same day with postage thereon fully prepaid at  
Los Angeles, California in the ordinary course of business to the parties as indicated  
12 on the attached service list. I am aware that on motion of the party served, service  
is presumed invalid if postal cancellation date or postage meter date is more than  
one day after date of deposit for mailing in affidavit.
- 13 ☐ **BY OVERNIGHT DELIVERY:** I served such envelope or package to be  
14 delivered on the same day to an authorized courier or driver authorized by the  
overnight service carrier to receive documents, in an envelope or package  
15 designated by the overnight service carrier.
- 16 ☐ **BY FACSIMILE:** I served said document(s) to be transmitted by facsimile  
pursuant to Rule 2008 of the California Rules of Court. The telephone number of  
17 the sending facsimile machine was 310-228-3701. The name(s) and facsimile  
machine telephone number(s) of the person(s) served are set forth in the service list.  
18 The sending facsimile machine (or the machine used to forward the facsimile)  
issued a transmission report confirming that the transmission was complete and  
19 without error. Pursuant to Rule 2008(e), a copy of that report is attached to this  
declaration.
- 20 ☐ **BY HAND DELIVERY:** I caused such envelope(s) (as indicated on the attached  
21 service list) to be delivered by hand to the office of the addressee(s).
- 22 ☒ **FEDERAL:** I declare that I am employed in the office of a member of the bar of  
23 this Court at whose direction the service was made. I declare under penalty of  
perjury under the laws of the United States of America that the foregoing is true and  
24 correct.

25 Executed on **October 22, 2007**, at Los Angeles, California.

26   
27 Phyllis Ibsen  
28

SERVICE LIST

BY MAIL

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Attorneys for Defendant  
Nyko Technologies Inc.

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